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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,910	02/27/2004	Keiichi Aoyama	4041A-000015	8913
27572	7590	12/19/2005		EXAMINER
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/789,910	AOYAMA ET AL.
	Examiner DARYL C. POPE	Art Unit 2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 and 9-17 is/are rejected.
- 7) Claim(s) 8 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1013/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-7,11-14, and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Walter(5,959,540).**

-- In considering claim 1, the claimed subject matter that is met by Walter includes:

1) the portable communication device for communicating with a vehicle is met by remote control(102) which communicates with the vehicle(110, column 3, lines 30-49);

2) the detachable component selectively coupled to the communication device the detachment of which initiating a reduced operational mode for the vehicle is met by the connector switch(104) which when detached from the remote control(102) causes the remote control(102) to transmit a signal to the vehicle to automatically set vehicle in a valet security mode which limits access and control to various components of the vehicle(see: column 5, lines 11-34).

-- With regards to claims 2-3, the detachable component providing an input to the communication device in an attached position is met by the attachment of the connector

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switch(104) causing the remote control to transmit a signal to deactivate the vehicle valet mode(see: column 5, lines 64 et seq; column 6, lines 1-27).

-- With regards to claim 4, the input including an electrical resistance(see: column 7, lines 23-39).

-- With regards to claim 5, the detachment causing an input voltage to change on the portable device is met(see: column 7, lines 40-48).

-- With regards to claims 6-7, the reduced operational mode including inhibiting access to predetermined storage compartments in a vehicle including a trunk and a glove box is met(see: column 5, lines 23-34).

-- Claims 11-14 recite subject matter that is met as discussed in claims 1-4 above, as well as:

- 1) the vehicle control unit is met by the processing unit(116);
- 2) the receiver for communicating signals to the control unit is met by the receiver(114).

-- Claims 16-17 recite subject matter that is met as discussed in claims 1 and 6 above.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 9-10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter.**

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-- With regards to claims 9-10 and 15, the examiner takes Official notice that in the vehicle remote communication art, use of vehicle keys with wireless communication means for communicating with control components of a vehicle are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to embed the switch(104) and as well a chip resistor into the key(108), since this would have conserved space by reducing the necessity of having a separate housing for the switch(104) while at the same time reducing the required circuitry for initiating valet modes for the vehicle when the key would have been detached.

***Allowable Subject Matter***

3. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for indicating the allowability of claim 8 is the inclusion of the limitation of the reduced vehicle operational mode being a limit of vehicle RPM and speed, which is not taught or suggested by the prior art.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL J. WU can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

Dec. 6, 2005

DARYL C POPE  
Primary Examiner  
Art Unit 2632

